

DENNIS J. HERRERA, State Bar #139669  
City Attorney

RONALD D. FLYNN, State Bar #184186  
Chief Deputy City Attorney

JON GIVNER, State Bar #208000

ANDREW SHEN, State Bar #232499

JOSHUA S. WHITE, State Bar #237223  
Deputy City Attorneys

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 234

San Francisco, California 94102-4682

Telephone: (415) 554-4661

Facsimile: (415) 554-4699

E-Mail: joshua.white@sfgov.org

Attorneys for Defendant  
JOHN ARNTZ, in his official capacity as  
Director of the San Francisco Department of  
Elections

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VOTING RIGHTS DEFENSE PROJECT,  
AMERICAN INDEPENDENCE PARTY,  
CLARA DAIMS, and SUZANNE  
BUSHNELL,

Plaintiffs,

vs.

ALEX PADILLA, in his official capacity as  
Secretary of State and an indispensable party,  
TIM DEPUIS, in his official capacity as chief  
of the Alameda County Registrar of Voters,  
JOHN ARNTZ, in his official capacity as  
Director of the San Francisco Board of  
Elections, and DOES I–X,

Defendants.

Case No. 16-cv-02739 WHA

**DECLARATION OF JOSHUA S. WHITE IN  
SUPPORT OF DIRECTOR ARNTZ'S  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

Hearing Date: June 1, 2016  
Time: 11:00 a.m.  
Judge: Hon. William H. Alsup  
Place: Ctrm. 8, 19th Floor

1 I, Joshua S. White, declare as follows:

2 1. I am licensed to practice law in the courts of the State of California and am employed  
3 as a Deputy City Attorney in the Office of the City Attorney for the City and County of San Francisco.  
4 I am the Deputy City Attorney assigned to this case. I have personal knowledge of the following facts,  
5 except those stated on information and belief. As to those facts, I believe them to be true. If called  
6 upon to testify, I could and would testify competently to the contents of this Declaration.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of an email that Plaintiffs'  
8 counsel William Simpich sent to my client, the Department of Elections, on Friday, May 13, 2016. On  
9 the same day, I spoke by phone with Mr. Simpich and explained to him that the Department complies  
10 with its obligations under Elections Code § 3006 and further explained where the information required  
11 by that section can be found on the Department's website and mailers.

12 3. Attached hereto as **Exhibit B** is a true and correct copy of an email that I sent to  
13 Plaintiffs' counsel on Monday, May 16, 2016. Plaintiffs' counsel ignored this email.

14 4. On Monday, May 23, 2016, I called Mr. Simpich and inquired as to his plan for the  
15 litigation. He said that his hope was to seek ex parte relief and to provide his motion to the  
16 Department by the following day (i.e., Tuesday, May 24). I received no further communication from  
17 Mr. Simpich until Thursday, May 26 at 4:24 p.m., when he sent me an email, a true and correct copy  
18 of which is attached hereto as **Exhibit C**.

19 5. Attached hereto as **Exhibit D** is an email I sent to Mr. Simpich on May 26, 2016 at  
20 5:26 p.m. Despite this email, Mr. Simpich never proposed a briefing schedule or provided a statutory  
21 or other basis for his authority to seek ex parte relief.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 31st  
23 day of May, 2016, in San Francisco, California.

24  
25 /s/Joshua S. White  
JOSHUA S. WHITE